

enabled by the disclosure. This ground of rejection is respectfully traversed, for the following reasons. Although the Office Action refers to a recitation of a second fastener, the currently-pending version of Claim 37 does not actually recite a second fastener. The original version of Claim 37 recited a second fastener, and that original version was rejected under §112 by Primary Examiner Harry Kim more than a year and a half ago, for the same basic reason set forth in the current Office Action. Following a telephone interview with Examiner Kim on February 12, 2001, agreement was reached regarding an amendment which would bring Claim 37 into compliance with §112, in particular by replacing "second fastener" with "attachment". This change was implemented in an Amendment previously filed on March 29, 2001. Applicant agreed to this change with the understanding that Claim 37 would be considered to be in compliance with §112, while still corresponding substantially to the patent with which an interference is requested.

Following receipt of the pending Office Action, an attorney for Applicant (T. Murray Smith, Reg. No. 30222) initiated a telephone conference with Examiner Cottingham on September 19, 2002, and outlined the circumstances discussed above. The Examiner indicated that that, in formulating the currently-pending rejection of Claim 37, he had inadvertently looked at the original version of Claim 37 (in a document attached to the Petition dated March 14, 2002), rather than the currently-pending version of Claim 37. The Examiner asked that Applicant file this Response in order to trigger the reconsideration and withdrawal of the Office Action.

Applicant respectfully submits that, based on the

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agreement reached with Primary Examiner Harry Kim a year and a half ago, the currently pending version of Claim 37 is in fact in compliance with the first paragraph of \$112, and is in a form suitable to serve as the basis for the declaration of an interference.

Applicant respectfully requests that the Examiner consider the pending Request for Declaration of Interference, a courtesy copy of which was submitted with the Petition dated March 14, 2002. If the Examiner has questions regarding why Applicant believes that an interference should be declared, the Examiner is invited to telephone either Thomas R. Felger at (512) 322-2599, or T. Murray Smith at (214) 953-6684.

Applicant believes that no fees are due in association of the filing of this Response, but for completeness the Commissioner is hereby authorized to charge any additional fee required by this paper, or to credit any overpayment, to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.



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